

REMARKS/ARGUMENTS

Applicants appreciate the Examiner's continued consideration of the present Application. The present Amendment and Response is an effort to overcome the rejections cited in the Final Office Action mailed November 23, 2007, the Request for Continued Examination filed April 4, 2008 and this Response to Notice of Non-Compliant Amendment mailed July 18, 2008 and to place the pending claims in a condition of allowance.

Claims 2-11, 13-24, 26, and 28-52, as well as newly added Claims 53-62 are pending in this Application. No new matter is believed to be added by the new claims.

Independent claims 11, 23, 24, 26, 30, 34, 38, 40, 43, 45, 49, and dependent claim 13 have been amended. Specifically, all claims have been amended to recite that the joists are substantially co-planar in initial and extended positions. Certain claims (e.g., claims 30 and 34) have additionally been amended to recite that each of the joist mechanisms extends substantially perpendicularly with respect to an axis of at least one of the hub mechanisms. Further, certain claims (e.g. claims 40, 43 and 45) have been amended to further define the hub mechanisms.

No new matter is believed to have been added by these amendments. Support for the aforementioned amendments can be found in numerous instances, for example, in Figures 7, 8-10, 12 etc. and paragraph [0100] of the Application as originally filed.

Claim Rejections Under 35 U.S.C. §102

Claims 2, 4-9, 11, 13-20, 22-24, 26, 28-48 were rejected under 35 U.S.C. §102(b) as being anticipated by Harper (USP 4,244,152).

This rejection is respectfully traversed. As noted above, the Independent Claims have been modified to recite that each of the joist mechanisms is substantially co-planar in the initial and final positions. As further indicated above, certain of the claims have been amended to recite that each of the joists *extends substantially perpendicularly with respect to an axis of at least one of the respective hubs about which the respective joists rotate*, while other claims recite a hub mechanism, wherein *each of the hubs comprises a first surface with a first set of openings; a second surface substantially parallel to said first surface and having a second set of openings; and a structural element connected between the first surface and the second surface, such that each one of the openings in the first set of openings is co-axial with a respective one of the openings in the second set of openings*.

Support for the amendments can be found in the Applicants' specification as originally filed. More specifically, as shown in several figures, for example, in Figures 7, 8-10, 12, etc., of the Applicants' Application, the joists 30A-D are substantially co-planar with each other. Additionally, as shown in FIG. 5, each of the joists 30 is perpendicular to an axis of the hub 10 about which the joists rotate. Furthermore, paragraph [0100] of the Applicants' Application, provide that respective openings on the upper and the lower surfaces of each of the hub mechanisms is co-axial, stating as follows:

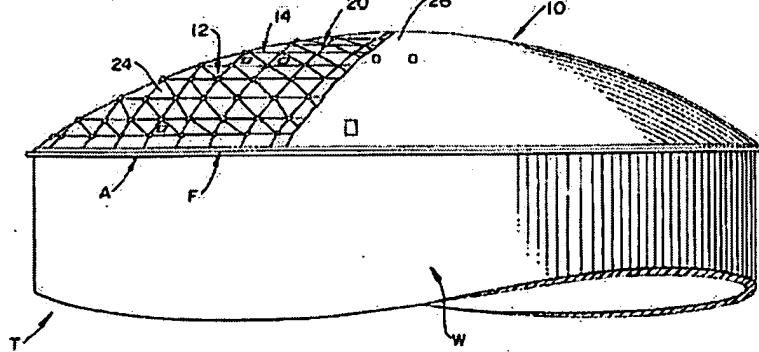
The plurality of openings 13 (e.g., 13A, 13B, 13C, 13D, 13E, 13F, 13G, 13H) are interspersed on the top element 11 so as to offer various locations for connecting to one, or more, joists 30 (See e.g., FIG. 5). The plurality of openings 14 (e.g., 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H) are similarly spaced on the bottom element 12 so that respective openings (e.g., 13A and 14A) are coaxial.

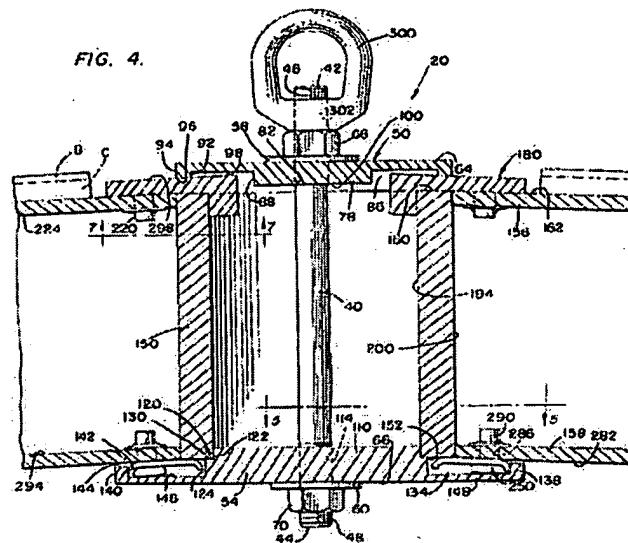
Harper, however, fails to teach, let alone suggest, all of the features of the Applicants' invention as claimed. In particular, and as best as the Applicants can determine, Harper discloses a plurality of struts 14 connected to a joint connector 20 and positioned on a *geodesic dome*. To the extent that the struts 14 are placed on a curved structure, the struts slope downwardly from the joint connector 20 are thus are not co-planar with each other. Rather, each strut 14 lies in a plane that is different from the plane of the other struts.

Further, to the extent that the each of the struts 14 is sloping downward from the joint connector 20, the struts are also not perpendicular to an axis of the joint connector. As illustrated in FIG. 4 of Harper, the annular channels 86 defined on the upper and the lower surfaces of the joint connector 20 are not co-axial. Relatedly, annular channels 134 defined on the upper and the lower surfaces of the side opposite the annular channel 86 of the joint connector 20 are not co-axial either. In fact, the annular channels 86 and 134 on the upper and the lower surfaces are horizontally displaced from each other.

See Harper in FIGS. 1 and 4, and col. 3, at lines 18-24 below (emphasis added):

FIG. 1.





The struts radiate outwardly from the connector, and, as the dome is arcuate, the struts will slope slightly downwardly from the connector (see FIG. 4); thus the shape of the end portion 30 of the struts having inwardly converging sides 32 which form a truncated triangle will enable each of the struts to be most effectively attached to appropriate joint connectors 20....

Therefore, as indicated above, Harper's teachings include connecting a plurality of struts to a joint connector for forming an arcuate dome assembly. Harper does not teach, let alone suggest, all of the features, including the co-planar, co-axial and the perpendicular axes features of the Applicants' claimed invention. Accordingly, these claims are believed to patentably define over the cited reference, and the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. §102(b) and to place the claims in a condition for allowance.

Dependent Claims 2, 4-9, 13-20, 22 28-29, 31-33, 35-37, 39, 41-42, 44, 46-58 incorporate all the limitations of their respective base claims. Therefore, the dependent claims are allowable for at least the same reasons for which the base Independent Claims 11, 26, 30, 34, 38, 40, 43 and 45 are allowable.

Claim Rejections under 35 U.S.C. §103

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Harper in view of Strickland (USP 5,711,665). Similarly, Claims 10, 21, 49-52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Harper in view of Lewis (USP 748,962).

Claim 3 depends from Claim 11. Therefore Claim 3 includes all of the recitations of Claim 11. Claims that depend from allowable claims are also allowable. As such, the rejection of Claim 3 is now believed to be moot since Claim 3 is believed to be allowable for at least the reason noted above in support of Claim 11.

Regarding Claims 10 and 21, similar to Claim 3, these claims depend either directly or indirectly from Claim 11. Accordingly, the rejection of Claims 10 and 21 is now believed to be moot for at least the same reasons noted above in support of Claim 11.

Regarding Claims 49-52, Independent Claim 49 has been amended to recite that "*the plurality of joist mechanisms are substantially co-planar with respect to each other in the initial and the final positions.*" As indicated above, no new matter is believed to be added by the amendment. For at least the reasons stated above, Harper taken alone or in combination with Lewis does not teach or suggest the Applicants' invention as claimed. Accordingly, the Applicants respectfully submit that Independent Claim 49 and Claims 50-52 depending therefrom are allowable.

Newly Added Claims

Claims 53-62 have been newly added. The recitations in each of the claims 53-62 are believed to be supported by the Application as originally filed. Thus, no new matter is believed to have been added.

Claims 53, 54 and 55 directly depend from independent claims 11, 30 and 40, respectively. Therefore, claims 53-55 are allowable for at least the reasons noted above in support of the patentability of claims 11, 30 and 40, respectively.

Regarding Claims 56-62, each of the independent Claims 56, 58 and 61 recite at least one of the co-planar, co-axial and the perpendicular axes features described with regard to the joists and/or hubs, as these features were explained above. Therefore, claims 56, 58 and 61, are believed to be allowable for at least the reasons already noted. Additionally, claims 57, 59-60 and 62 depend directly from claims 56, 58 and 61, respectively, and are considered to be allowable for the at least the reasons noted in support of their respective independent claims. Accordingly, it is respectfully requested that the Examiner allow claims 53-62.

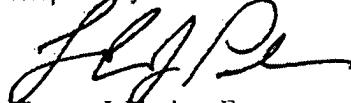
Conclusion

A complete listing of the claims is now present in response to the Non-Compliant Amendment notice of July 18, 2008.

The Applicants believe that this amendment, and the above comments, puts the application in condition for allowance.

No extension is believed to be due for the filing of this Non-Compliant Amendment and Response. If any fee is due, it should be charged to Deposit Account No. 23-2053. Any required petition should be considered provisionally made.

Respectfully submitted,



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